

Minutes of a Regular Board Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, November 17, 1987 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Victor Prusinowski, Councilman
Louis Boschetti, Councilman
Robert Pike, Councilman

Also Present: Richard Ehlers, Town Attorney

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Boschetti offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Minutes of Regular Board Meeting held on November 4, 1987 are hereby dispensed with and approved.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "I would first like to recognize in the audience, some visitors to our Town Board meeting and to our country; visiting Rotarian students from the Country of Denmark, Indonesia and Brazil; Tanya, Marcio and Willie. Why don't you stand up. The department heads of government are here this evening to answer any questions you might have of them. Reports Ms. Deputy."

REPORTS

Conservation Advisory Council-Yasuda Application, Dolphin Way, declared a Type I action.

Filed

Planning Board-Amends Hallock Luce, IV final plat to have existing easements for utilities; approves minor subdivision of Herbert W. Voss and Robert and Sally Riddle.

Filed

Building Department-October 1987.

Filed

Police Department-May and June, 1987.

Conservation Advisory Council- Minutes of October 19, 1987.

Filed

OPEN BID REPORT - Plant #7 - Contracts #2, #3, and #4
(See Water District Minutes)

Filed

OPEN BID REPORT - Extension #33 - Wildwood Estates
(See Water District Minutes)

Filed

OPEN BID REPORT - Liquid Calcium Chloride - Highway Dept.
No Bids Submitted.

Filed

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1400

Supervisor Janoski, "Thank you. Applications."

APPLICATIONS

Special Permit-Michael Addabbo & Edward Trombetta to construct a dental laboratory on Route 58, Riverhead. Filed

Site Plan-Village Crossroads to construct addition to existing restaurant. Filed

Site Plan-The Swan Restaurant, North Country Road, Wading River. Filed

Site Plan-Manor Associates, professional building, Route 25A, Wading River. Filed

Site Plan-LPB of Wading River, professional office building, Route 25A, Wading River. Filed

Supervisor Janoski, "Correspondence."

CORRESPONDENCE

Marcia Z. Hefter, 11/4/87-Requests change in proposal for parking First Street Parking District. Filed

Jody Adams, 11/8/87-Letter to News Review commenting on judicial records available for public review. Filed

Ben Russo, 11/5/87-Requesting procedure to use mobile trailer in town parks to preach the teachings of the Lord. Filed

North Fork Environmental Council, 11/10/87-Urges Town Board to take action regarding Town Planner. Filed

John Dunleavy, 11/10/87-Letter of resignation to be effective as of January 11, 1988. Filed

Marcia Z. Hefter, 11/16/87-Letter regarding violation of Timothy Hill Children's Ranch, Inc. Filed

Nancy Gassert, 11/17/87-Letter regarding site plan application of Nino Milatello (Shoppes at Riverhead) and the trees to be destroyed to construct office buildings. Filed

Supervisor Janoski, "The time for the first public hearing has not yet arrived. We have a lengthy list of Unfinished Business. Some of which will be acted upon this evening. And I would recognize anyone who wishes to be heard on any subject."

Kevin Dunleavy, Riverhead, "I question the legality of somebody within this room trying to tell me to do something by handing out this type of paperwork. Right. There's a woman. Mr. Ehlers, there's a woman here handing out this stuff within this room."

PERSONAL APPEARANCES Continued

Councilman Prusinowski, "First of all, your microphone is off Kevin."

Kevin Dunleavy, "You understand what I'm saying."

Councilman Prusinowski, "No but, put your microphone on please."

Kevin Dunleavy, "I question the legality of somebody with- in this room, I'm here right now, I got here ten minutes ago, everybody was here, handing out this supposed said; vote for Al Lane for Town Supervisor. Is that legal? Can somebody walk around this room while we're convened here? Here's what it says; save the trees, vote NO. Is that legal?"

Supervisor Janoski, "I believe that it is."

Kevin Dunleavy, "Is that legal."

Supervisor Janoski, "There is the freedom of expression. They are allowed to do whatever it is they want to do as far as expressing their point of view. Certainly any unruliness would not be permitted."

Kevin Dunleavy, "It was not unruly. It was just here grab this."

Supervisor Janoski, "And what you do is look at it and you do what you think is right and that's what I intend to do."

Kevin Dunleavy, "I want to bring that to everybody's view that there is somebody here trying to influence us to do something."

Councilman Prusinowski, "What a horrible thought."

Kevin Dunleavy, "I like the trees."

Councilman Prusinowski, "Kevin, Kevin, Kevin, Kevin, Kevin, I think you should drop it. And the fact is, people have a right to do that. The election is over. That is not pertaining to anything. It's pertaining to a vote on a site plan tonight which the Town Board is going to vote on. It's proper and it's in order. I would suggest that for your own interest, you kind of back off and drop that subject."

Kevin Dunleavy, "Alright. I will."

Councilman Prusinowski, "Take it from a guy who is not going to be here passed December 31st. Drop it and back off and let the meeting proceed."

Supervisor Janoski, "I appreciate your concern Kevin but it is certainly allowable. Yes."

PERSONAL APPEARANCES Continued

Douglas Gillen, Riverside Drive, "I would like to address project 691 which is the Milatello project and I'm here in an unusual capacity tonight because normally, I'm a supporter of development and I think the Town Board has done a marvelous job and I think Riverhead has really come a long way. However, my major concern is; I'd like to urge the Town Board to use caution in approval of speculative commercial development going forward in the future. Since October 19th, the whole activity of economic feasibility planning has changed. October 19th is the day that the stock market crashed and put the country on the verge of recession. Now, there are many different views of what's going to happen and how this is going to impact the country.. But even the stock market crash of 1962, did not effect the country as a whole did cause a loss of over 600 thousand jobs in the New York Metropolitan area including Long Island. And I think that as we go forward in planning (not housing projects) commercial projects, we should really be careful and say to ourselves; will these projects be occupied. And I trust that the ladies and gentlemen of the Board of the Town of Riverhead will think about this as sincerely as possible as they can to make sure that we don't have a lot of unoccupied stores going forward in the future. That's my major concern. And I question whether or not we really need new stores on East Main Street when we have so many unoccupied stores already on Main Street. And I thank you for this opportunity."

Supervisor Janoski, "If you've been around here and you have been, you know that the vacancy rate downtown is probably the lowest it's been in a long time with a lot of the buildings being improved, etc. On what basis do you suggest that this government deny people the right to use their property within the restrictions of the zoning law?"

Douglas Gillen, "Well, I certainly don't want to ever deny anybody their rights. But I do want.... I would like... I'm not necessarily.... I don't know if anything can be done about this particular project. But I would like the Board to keep in mind the fact that this country and this economic environment that we exist in, is about to be struck with a recession. And I think we have an awful lot of speculative buildings going up, in the process of being finished and we may find ourselves with a lot of unoccupied space. And as I said, you've done a real good job so far and I think the town has come a long way and I'd hate to see us get to a point where we have a saturation of office space, commercial space."

Supervisor Janoski, "I heard this once before in a recent campaign. And I want to say that; I happen to believe in certain things very strongly. And just today, the IRS which I think is a wonderful organization to come into our town, not to come into our lives but as a business to come into our town, is good. And when they are going to operate and open a computer center in the Town of Riverhead and one of those brand new, unnecessary and unneeded office buildings, I think it's good for the Town of Riverhead."

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PERSONAL APPEARANCES Continued

Douglas Gillen, "I never said they were unnecessary or unneeded. My main concern is that we...."

Supervisor Janoski, "My question is this. Maybe I'm getting off.... On what basis does the government determine when a person has the right to build a building on a piece of property within the structure of what is allowed by the law?"

Douglas Gillen, "I'm not being an attorney. I couldn't tell you whether there is a basis or not. But let me just state that my concern is as much a concern for the town. My ultimate concern is always going to be the town and the Town of Riverhead. Of which I'm very proud. As I said before to you, everybody that I meet, I'm very proud of the job that the entire Board has done but my concern is now... My concern is also for Mr. Militello. If he has done any feasibility planning, if he's asked his advisors and council to do any feasibility planning for him, if that planning was done prior to October 19th, I think that he might find himself with a different perspective as far as occupancy rate goes going forward and that's my concern."

Councilman Pike, "Since the Supervisor raised the issue, I'd also like to address it Mr. Supervisor."

Douglas Gillen, "Should I step down?"

Councilman Prusinoski, "I just want to point out that in essence, in the Town of Riverhead, we have cut down the amount of floor space that could be allowed to be built for retail space (Doug) from 25% to 17% in a lot of the business zones. When you look at Route 58, we took a large portion of that and severely restricted east of NorStar Bank, the number of floor space for retail. There is a lot of Office Service type of space going up. And the reports that I have seen is, that is due because of the tremendous influx of the mobile home park community, the age, demographics of Riverhead where it's the support services of the hospital that have induced a lot of business to move into town in the health related field and that's why there was a need for office space. A lot of the new office space being rented is for health care facilities, doctors, radiologists and so forth and so on. As far as Mr. Militello's project, it is in our parameter to vote on to save the tree or not to save the tree, to how the site plan should look, to the amount of square footage we can require him to build. We could change the zone and say we don't want that type of retail space in that corner. We want a different type of retail which we did in Office Service or Country Rural. We severely restricted what can be built there. But to say that Mr. Militello can not go to the bank (any bank) and take out a mortgage and said I want to develop my property and sign that note and the bank is willing to say this is a sound business venture, I don't think is within the parameter of this Town Board. There are other zoning questions and that is where I separate it. Because once you start legislating what a guy should open or what a developer should open up in a complex like that because we don't like video stores. I think you're restricting competition then. I don't think anybody in town would want that. So in a

PERSONAL APPEARANCES ContinuedCouncilman Prusinowski, Continued

sense, what you're saying, well gee. Maybe the stores will be vacant maybe not. But that basically is a risk that he's going to have to take." And as far as the other questions, we've been debating those questions as far as what the thing should look like, the trees and landscaping and all that."

Douglas Gillen, "Ok. Just to finish off. My sole concern is not to try and legislate what kind of stores should be there or what should be used but only to urge. And if it's impossible to do anything in regards to this project, it's sort of changing the rules on somebody while they're in the middle of the game. But just to urge the town going forward in the future, to take a hard look. We do know. We want to say to ourselves theoretically, the financial institutions that may or may not lend to a developer which should be doing their jobs in terms of saying; this is a viable project. But I really... The Town of Mattituck had an empty shopping center for years and years and it looked terrible. I would hate to see that happen by building more buildings now because we thought the market was hot and the market may have changed."

Supervisor Janoski, But we don't think that. We don't know. What I'm saying to you is... Did you want to say something? Please."

Douglas Gillen, "I'm going to sit down now. Thank you very much for your time."

Councilman Pike, "I'm always amazed by some people's perception of our limitations here and perhaps it's time to discuss what is possible. I would enlighten you to the example of Denver, Colorado which went through the wildest spree of speculative office building and retail store building in the western third of the country and now enjoys an occupancy rate of less than 60%. They have over 40% of their office space completely unoccupied. And if that's good planning, I disagree. If you say there's nothing we ought to be thinking about or doing about things like that, I disagree. And I would point to you as the legal mechanism that enables us to do this, the case of Ramapo. Where the Town of Ramapo in this state developed a phase growth program which didn't permanently deny somebody the right to go ahead but enabled them only to do so when there was a critical mass of factors needed to support that development there present at the site. It enabled Ramapo to develop in a more orderly manner. So if the question is; do we have the ability to do it, the answer is yes. The question then becomes, how do we best do it and my answer to that would be not to pretend that we can't."

Councilman Prusinowski, "I'm going to answer that. That is great and you know that's true and I just said it to Doug and we have done that. Because in the Office Service zones, in the Country Rural zones that we put in place, we have restricted the amount of retail rope that can come into Riverhead. We have restricted it by categories. And you take that one site plan over there and you say there's another question there. You didn't

PERSONAL APPEARANCES ContinuedCouncilman Prusinowski, Continued

like the site plan because you wanted to save the oak tree. That is a different question. Should that property be rezoned not to allow that business there. That's a legitimate question. You brought up a point that he's already in this process until November and is it fair to the applicant. I'm willing... I took stands on the issue around here about taking some unpopular stands about planning and doing things that might be contrary to public opinion today and I agree with you. But there is a time when you have to be reasonable. And to say that the Town of Riverhead, Town Boards starting previous to this Town Board have not addressed those issues; is not true. We have. And I can tell you that the amount of retail space coming into the Town of Riverhead has been restricted. And we don't want to over populate the amount in certain categories because there will be no market for it. But that's up to the free market to decide too."

Supervisor Janoski, "And we have filled up that time very nicely. We will come back to you people in a little while. Let the record show that the hour of 7:50 has arrived. The Deputy Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, November 17, 1987 to hear all interested persons who wish to be heard regarding: The addition of lot requirement to the zoning use district schedule, Res. D..

Supervisor Janoski, "Thank you."

Brenda Filmanski, Planning Dept., "The subject is an amendment to a recently adopted Residence "D" zoning district to include a zoning use district schedule for that district. The contents are the same as in the Residence "C" district. And those are; a minimum lot area of 20 thousand square feet, a minimum lot width of 100 feet, a maximum building area of 30%, a maximum height of 35 feet, a minimum front yard depth of 40 feet, a minimum for either side yard of 10 feet and a total of 25 for both side yards and a minimum rear yard depth of 40 feet."

Supervisor Janoski, "Thank you. Is there anyone present who wishes to address the Board on this? Yes, Mr. Welch."

Bill Welch, Jamesport, "I'm president of the Jamesport/South Jamesport Civic Association and we'd like to urge your implementation of this addition of the lot requirements for Residence "D". Residence "D" was a very wise move and we strongly support it and we urge you putting the finishing touches on it at this point. Thank you very much."

PUBLIC HEARING Continued

Supervisor Janoski, "Thank you. Is there anyone else present who wishes to address the Board on this proposal? That being the case, and without objection, I declare the hearing closed. Is there anyone else present who wishes to address the Board on any matter? Mr. Kasperovich. How could we have a meeting without you."

William Kasperovich, Wading River, "And I ask Nadia, don't let the machine go sour. Every time I have something to say and get excited about it, the machine goes kapluie."

Supervisor Janoski, "This is a brand new machine that has great time capacity."

William Kasperovich, "Good. With that five minute increment, my time is precious. Now, when I have something to say that I think is important to the township, the people that live in it, I've learned that the thing to do is to start on the top. So I start with you, Supervisor Janoski and then the Town Board and I trust that the new Democrat is sitting in the audience here some place. And then the Building Department and then the Justice Court and then the Board of Appeals. All in one night because it only took one afternoon to burn a building down to a hulk. So when you come up with a certificate of occupancy, occupancy is for human beings. And where officials get involved, they, we assume are concerned with the human beings. Of course, we have farm animals on the farm but that's another story. I came home this afternoon. And as I approached my house, I saw smoke and I said; what stupid idiot is burning brush at this time of the year? We have those few in this township but we've forgotten to enforce it where they are few and far between. However, I come alongside the house next to mine and I find flames coming out the front porch reaching to the tree tops. That's fifteen or twenty feet above the roof. And I step on the gas, turn the corner, jump out of the car and get to the telephone as fast as I could fumbling at the lock and what do I call. Immediately came to mind, 911. I give the man the information. He says okay, hold on. I will give you the right man. He gives me somebody else and half way through the information, he stops, you've got the wrong guy. He gives me somebody else. I go through the same thing. I get through all the information, he says; where is Hulse Landing Road? I say that's County Road 54 just outside the park and let's not waste any time. He says; well, what's your name? Kasperovich. Will you spell it? I spell it as fast as I can. Where are you in relation to the fire? I say; look Mac. Get somebody over here. The flames are consuming the building. He says, what's your telephone number? This is practically word for word. By this time, my hair is standing upright because we did not know if there was anybody within the building. Ok. I hung up and then I saw my red sticker that's right under my nose with the Fire Department number. I call that. They weren't notified as yet. So finally somebody answers the phone. I give them the information. I said I called the Police first and then I'm calling you. Get somebody down here in a hurry. The flames are coming out of the building. Ok. I stepped outside. I figured, let me call the Police. Ok. I get back to the telephone, I dial. What do I dial?

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PERSONAL APPEARANCES Continued

William Kasperovich, Continued

I dial the Town Hall. I said, give me the Police Department. We don't have an extension to the Police Department. Well, god d--- it to h---. I've been after that extension for three years at least. So that if an emergency or disaster came in, the switchboard operator here could connect it to the Police Department. And you guys didn't do a d--- thing about it. Now, I'm going to talk to everybody that will listen to me. So I had to hang up and redial and the phone has to ring there a couple of times before somebody answers. So that's one of which I'm going to talk about deficiencies and inadequacies and things you didn't do and you better catch up to. So that's number one. In an emergency or disaster, you should be able to get to the Police. Right now you can't. Ok. Fortunately, the man of the house shows up. So he's not in the building and he tells us the kids didn't come back from school. So the kids aren't in the building. That smoke is so dense, there was no way to tell if anybody is inside or not. Ok. The electric service line is arcing in the white color. A white arc to me is a thousand degrees Fahrenheit or better. A fireman can't spray in that direction for fear of making contact with water from the hose. So I get back to the phone and call the Police Department. Well, call LILCO. Well, d--- to h---, what do we need a Police Department for? So he calls up LILCO. By the time I get to LILCO, he already called. But this system where seconds count has got too many faults. Now, I'm told that 911 does not apply directly to the Wading River area. Well, this should be widely publicized because we have been brainwashed to call 911. Ok. Now we get down to the Building Department. When an old building needs to be modified, adjusted or in any way altered, that the process should encompass a review of what exists. Now there are many legal pros and cons on this. So I won't stay upon that point. I will leave it in the hands of a man we will call honorable judge soon. And since he's seen both sides of the picture, he should be able to help us there. Both in that respect and the respect that when something comes into the Building Department that we get an extended period of review. Here again, legal problems that have to be washed out first. Now, we come to the Board of Appeals. The property that burned down, is the property that had four violations, possibly five and the Board of Appeals granted all of it and qualified them for a certificate of occupancy. I don't remember Mrs. Tormey's exact words but she felt that the town wouldn't profit in any way or whatever she said. But as far as the town is concerned, there is no reason to hold it back. You talk about zoning "D's", zoning "PDQ", and yet you let a man get within an inch and a half of the property line. An inch and a half. On the other side you let him get within a foot. You let him put a swimming pool in the front yard. When the zones were established, they established it as a Residence "B" and the Town Board said to the man, that we put you in a higher bracket so that whatever comes up; we'll be able to handle it on a downgrade. Ok. So here, four violations, a possible fifth and there is no review of the facilities. And I don't care what relation there is to father to children or to wife or whatever. As far as you people are concerned, it is human life. And where the Building Department and the Board of Appeals are concerned,

PERSONAL APPEARANCES ContinuedWilliam Kasperovich, Continued

you hold the reins. When a fireman comes there and tried to get around the place, impossible. So what good is our zoning if we allow this? Now, if we do allow it, we should do it for the benefit of the people that live. Not for feet and inches. But we consumed twenty men, police officer, two or three people from LILCO and what have you. And all this that you do is supposed to overcome these things or try to overcome these things. But if you don't follow through in a practical pragmatic way, it's a joke. Thank you."

Supervisor Janoski, "Thank you Bill. Is there anyone else who wishes to address the Board? Steve."

Steve Haizlip, Calverton, "There's a plot being hatched right now in Albany. And that is; to do away with the gasoline inspection stations. Now, according to the paper, seventy cars was brought out by agents of the Motor Vehicle and thirty-five of them failed and they got stickers. Now, what is happening is the Federal Government is saying to the state, you've got to clean the air better because we're not going to give you no money. So now they're under a threat. So the state is saying; it looks like we're going to have to put in stations of our own and have long lines and probably go to Hauppauge. Now, I personally, myself, have a pretty fair knowledge of vehicles and so forth. I don't believe that thirty-five vehicles was failed and they got stickers because all these gas station owners and these automobile dealers and so forth around, are very careful about that and they say they alter them. And the only thing that I know that you can alter is that they've got to make the gas burn a little richer. And when that comes out and that thing is registered in Albany and so forth, I don't believe this is happening. So this is a hatch that is in plan right now by the state to try to get a message across to all the people that the gas stations ain't doing their job in pollution. They're just handing out stickers which is not right. And it's wrong and they say, we're going to get our own stations and you just come on down and stand in line all day long if that's what it's going to take. Thank you very much."

Supervisor Janoski, "Thank you Steve. Is there anyone else present who wishes to address the Board on any matter? Mary Beth Andresen."

Mary Beth Andresen, Aquebogue, "I'm here this evening to express my disappointment with the decision making process that has occurred between the Zoning Board of Appeals and the site plan review of the Bruce Milatello property. Have we completely lost our foresight for the future of Riverhead or is planning something that we look to only when it's convenient. When the Zoning Board of Appeals gave a variance for a ten foot depth to this property, it literally paved the way for a site plan to review to okay the removal of all vegetation including the stately 100 year old oak tree. It also disallows any access to the rear of this large commercial establishment by any emergency vehicles, fire and ambulance. The Long Island Railroad Association not

PERSONAL APPEARANCES ContinuedMary Beth Andresen, Continued

only makes a 54 inch easement from the center of the tracks, it is up to the town then to allow for the distance there on for easements for emergency vehicles. By disallowing this, according to the railroad spokesman I spoke to today, the town then will accept any responsibility to get emergency vehicles in there and any loss of life or problems because they've accepted a variance to this. While other communities are providing greenbelts, Riverhead is (instead) providing a blacktop or an asphalt jungle. I'm truly disappointed that within our town there's no system of checks and balances to prevent situations like this from continuing or reoccurring in the future. I certainly hope that this evening you will vote no on the site plan review. Thank you."

Supervisor Janoski, "Is there anyone else present who wishes to address the Board? Betty." Betty, that is your name. Betty, is that your hand sticking up there?"

Betty Brown, "I am here this evening representing the North Fork Environmental Council. The question of the red oak that has lived along East Main Street in Riverhead for 80 years or more has brought about great concern in the community. This oak described by Marjorie Dautry from the Department of Plant Pathology of Cornell University as being extremely healthy and certainly a specimen worth preserving. Mr. File, from the Bayard Cutting Arboretum in Oakdale, said that the red oak ranks at the top of the list of shade trees with the American elm as being sturdy, slow growing, having few enemies and can easily live 125 years or much longer. I see no question as to the value of the tree. But the problem this evening goes beyond the oak. I hope that before the Board approves the site plan this evening, that each of you can take a hard look at the chain of events that brings you to this vote. The Town Board as recently as September of this year, revised the site plan review. And in doing so, created an esthetic standard for our town. A standard that rings loud the significance of rural character and environmental protection. The town has also recently created a new Planning Department. One purpose of their department is to review site plans. Article 26-108-128 describes the purpose. And I quote; that in all cases, the site plan and review will comply with the letter and spirit of the provisions of the code. One of the provisions include; (I quote) any existing woodlands, stand of individual tree or trees must be included and every good faith effort made to preserve, maintain and enhance the same. Knowing well that the Milatello project, a nine shop complex that has within it's boundaries one large oak, one 25 foot high holly, three mature dogwood trees, a giant white pine and also a stand of trees approximately 15, maples, locusts and a beach tree. All slated to be disposed of leaving no trees on the site at all. I can only ask humbly, did your new Planning Department make every effort to preserve and maintain the existing trees on the site? And are they following the letter and the spirit of the provision of the code that they have just revised? Or have they overlooked the intent of the code? And are you now, the Town Board expected to approve this action that violates our town ordinance?

PERSONAL APPEARANCES ContinuedBetty Brown, Continued

I fear that this attempt at site plan review is going to be flaunted in an arbitrary and caprecious manner and I ask that the Town Board voice it's disapproval of such action by voting no. Thank you."

Supervisor Janoski, "I believe we're having more troubles but I'm not going to respond to this at all. I would simply say that, you can pick on me. That's what I get paid for. But when you attack staff of this building, then I have to defend them. The Planning Department did its job. They did it in the spirit of the law. There was no violation of any ordinance Betty and I absolutely have to take offense to that on behalf of the employees of this town government. I would also say that the site plan calls for the planting of 70, if I recall, plants trees, including trees at that site. So that there is a replacement going on. Also what we have discussed is the movement of the holly and the dogwood and other significant vegetation at the site. And those are the facts. Is there anyone else who wishes to be heard? Yes sir."

Harold Bienowitz, Meadow Lane, "I was wondering, is there anything going to be done about the situatuion at 33 Meadow Lane? Have you considered anything?"

Supervisor Janoski, "There hasn't been a decision yet but there is going to be one."

Harold Bienowitz, "There is going to be one? When? By the next Town Board meeting."

Supervisor Janoski, "I would hope by the next Town Board meeting which is two weeks."

Harold Bienowitz, "Thank you very much."

Supervisor Janoski, "Is there anyone else who wishes to be heard at this time? Then we will take up the resolutions."

RESOLUTIONS

#784 PROMOTES MELVIN HENDERSON TO MAINTENANCE MECHANIC II IN SEWER DISTRICT.

(See Sewer District Minutes)

RESOLUTIONS Continued# 735 APPOINTS SCHOOL CROSSING GUARD

Councilman Pike offered the following resolution,
which was seconded by Councilman Boschetti.

RESOLVED, that MEYER SEGAL be and is hereby appointed to the position of School Crossing Guard effective November 16, 1987 at the hourly rate of compensation of \$5.87, and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Chief Grattan and the Office of Accounting.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

786

AUTHORIZES THE SOLICITATION FOR BIDS FOR

One (1) 1988 "MINI VAN" Vehicle.

COUNCILMAN Lombardi Offered the following resolution, which was
seconded by COUNCILMAN Prusinowski.

RESOLVED, that the Town Clerk be and hereby is authorized to
advertise for sealed bids for the purchase of One (1) "Mini Van" Vehicle.
For use by Riverhead Nutrition Program., and be it further

RESOLVED, the the Town Clerk be and hereby is authorized to
open and publicly read aloud said bids at 11:00 A.M. on Dec. 3, 1987
1987, at Town Hall, 200 Howell Avenue, Riverhead, New York; and to make a report of said
bids to the Town Board at the next public meeting following the opening of the bids.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued

787 AUTHORIZES PLANNING DEPARTMENT MEMBERS TO ATTEND
CONFERENCE

Councilman Prusinowski offered the following resolution, which was seconded by Councilman Lombardi.
WHEREAS, a New York Land Institute conference on the State Environmental Quality Review Act is being held at the Plainview Holiday Inn, 215 Sunnyside Boulevard, Plainview, NY 11803, on December 4, 1987, and

WHEREAS, two members of the Riverhead Planning Department have expressed a desire to attend this conference;

NOW, THEREFORE, BE IT

RESOLVED, that Richard Hanley and Brenda A. Filmanski be and are hereby authorized to attend said conference.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

788 AUTHORIZES TOWN CLERK TO PUBLISH & POST NOTICE OF PUBLIC HEARING RE: AMENDMENT TO SECTION 72-2(C) OF THE RIVERHEAD TOWN CODE

Councilman Boschetti offered the following resolution, which was seconded by Councilman Pike:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a notice of public hearing with regard to an amendment to Section 72-2(C) of the Riverhead Town Code.

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held on the 1st day of December, 1987, at 7:55 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons regarding an amendment to Section 72-2(C) of the Riverhead Town Code as follows:

C. Garbage haulers: ~~one dollar and twenty five cents~~
~~(\$1.25)~~ two dollars and fifty cents (\$2.50) per cubic yard truck capacity.

Dated: Riverhead, New York
November 17, 1987.

*underscore represents addition
*running line indicates deletion

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued

#789

AUTHORIZES TOWN CLERK TO PUBLISH & POST NOTICE OF PUBLIC
HEARING RE: AMENDMENT TO SECTION 73-6 OF THE RIVERHEAD
TOWN CODE

Councilman Pike offered the following
resolution, which was seconded by Councilman Boschetti:

RESOLVED, that the Town Clerk be and is hereby author-
ized to publish and pose a public notice regarding the amendment
to Section 73-6 of the Riverhead Town Code.

TOWN OF RIVERHEAD
PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held
on the 1st day of December, 1987, at 7:45 o'clock p.m. at Town
Hall, 200 Howell Avenue, Riverhead, New York, to hear all inter-
ested persons with regard to amending Section 73-6 of the River-
head Town Code as follows:

Section 73-6. Quorum.

At least ~~five (5)~~ four (4) members of the Landmarks
Preservation Commission shall constitute a quorum for the trans-
action of its business or the performance of its functions, and
the concurring vote of four (4) members of the Landmarks Preser-
vation Commission shall be necessary for the adoption of any
recommendations, motions or other acts of the Landmarks Preser-
vation Commission.

Dated: Riverhead, New York
November 17, 1987.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

*overstrike represents deletion(s)
**underscore represents addition(s)

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

11/17/87

1400

RESOLUTIONS Continued

#790 AUTHORIZES COMPLETION OF "FINDINGS STATEMENT" RE:
APPLICATION OF BRIDGEWATER ESTATES

Councilman Lombardi offered the following resolution,
which was seconded by Councilman Prusinowski.

WHEREAS, the acceptance of a Final Environmental Impact Statement with regard to the application of Bridgewater Estates represents the completion of the SEQRA process, and

WHEREAS, it is necessary at the completion of the SEQRA Process that a "Findings Statement" be completed and forwarded to interested agencies.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Department be and is hereby authorized to complete said Findings Statement and that same be forwarded to interested agencies.

RESOLUTIONS ContinuedState Environmental Quality Review
FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act-SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617, the Town Board of the Town of Riverhead, as lead agency, makes the following findings.

Name of Action: Bridgewater Estates

Description of Action: The Bridgewater Estates project consists of the construction of 162 townhouses and two office buildings on a 42.9 acre privately-owned parcel in the Town of Riverhead. A special permit has been applied for by the applicants for the residential condominiums.

The townhouse portion of the development is comprised of 32.4 acres with units. The parking facilities will consist of 100 garage spaces and 207 open spaces.

The plans for the townhouse development include a wide array of recreational facilities which will benefit the residents of the development. An inground pool, exercise area, tennis courts and fitness trail are being established. Additionally, a pond is being created in the northern portion of the townhouse development. While this pond will function as drainage area, it will also be an aesthetic asset. The pond will be vegetated, thereby attracting wildlife in search of food sources.

Location: Town of Riverhead
Suffolk County, State of New York
42.9 acre parcel located on the northwest
corner of Northville Turnpike and County Road 58

Agency Jurisdiction: Lead Agency

Date Final EIS Filed: Final EIS of Bridgewater Estates was accepted by the Town Board of the Town of Riverhead as lead agency in this action on October 20, 1987.

Background: The DEIS of the subject action identified the following significant issues relative to the effect of the project upon the environment:

- i. Proximity to identified wetlands and kettle hole,
- ii. Impact of Riverhead Water District well,
- iii. Traffic impacts,
- iv. Groundwater contamination,

RESOLUTIONS Continued

- v. Surface water quality,
- vi. Water usage,
- vii. Drainage,
- viii. Impact on Town Landfill,
- ix. Impact on flora and fauna,
- x. Environmental impacts,
- xi. Impacts on utilities and services.

The comments received by both parties of interest and involved agencies centered upon the following:

- i. That the site has been identified as an archaeological site;
- ii. That the site layout should provide secondary access upon Middle Road for the residential portion of the development;
- iii. That the manmade ponds proposed should be properly managed;
- iv. That stormwater runoff shall not be discharged into surface waters;
- v. That buildings and facilities shall be set back from existing transmission mains;
- vi. That there exists a potential for endangered or protected animal species on the site;
- vii. That there is a question relative to the total number of school age children to be generated by the development;
- viii. That the proposed density and lot area coverage be shown to comply with the Zoning Code;
- ix. That a wooded swamp on the northern part of the property be protected;
- x. That an analysis of the required funds for sewer district expansion be included.

Facts and Conclusions Relative to Final EIS:

The Draft EIS, together with the response to comments made by interested parties, forms a description of an action which, to the maximum extent practical, minimizes the adverse impacts on

RESOLUTIONS Continued

the natural environment. The facts which support this finding are:

i. The DEIS addressed each of the major environmental issues and impacts and adequately discussed mitigation measures to minimize impacts on existing wetlands, Riverhead Water District well, traffic conditions on Route 58 and Middle Road, groundwater contamination, surface water quality, water usage, drainage, impact on Town landfill, impact on flora and fauna, economic impacts, and impacts upon utilities and services.

ii. The FEIS has addressed all comments made by parties of interest, specifically:

1. Archaeological resources - an archaeological survey was completed by the applicant. No archaeological finds were made and the survey concluded that the site was not "uniquely significant".

2. Access - The provision of a secondary access for the residential portion of the site can be made part of the condominium map approval and site plan approval.

3. Pond Management Practices - The maintenance of water levels and measures to prevent eutrophication of ponds will be made part of site plan approval.

4. Stormwater management - The DEIS indicates that stormwater runoff will not be discharged into surface waters.

5. Endangered species - The applicant conducted field investigations of the site and no endangered, threatened, nor rare species were found at the site.

6. School age children - The applicant has provided on school age children impacts relative to condominium development. This information supports the impacts identified in the DEIS.

7. Compliance with zoning - The applicant has provided information which indicates that the proposed density is in compliance with density restrictions set forth in the Residence "C" District.

8. Impact upon a wooded swamp - The Suffolk County Department of Health issued comments relative to the impact of a manmade pond upon a wooded swamp in the northern part of the site. The County recommended a set back from the swamp. The Riverhead Conservation Advisory Council has supported this with a requirement of a 50 foot set back from this swamp area.

9. Impact upon Riverhead Sewer District - The Riverhead Sewer District has plans for additional capacity at the

RESOLUTIONS Continued

central treatment facility located on Riverside Drive. The developer shall be required to provide "key money" to finance the improvements necessary to handle the additional flow generated by the project. The Riverhead Sewer District engineer will provide estimates of cost of improvements upon petition to the Sewer District.

The subject action requires a special permit from the Riverhead Town Board, a site plan approval from the Riverhead Town Board, a change of zone by the Riverhead Town Board and a condominium map approval from the Riverhead Planning Board which requires the approval of the Suffolk County Planning Commission. It should be noted that the site plan approval and the condominium map approval process can be used to address any remaining concerns and mitigate environmental impacts.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#791 APPROVES SITE PLAN OF THE SHOPPES AT RIVERHEAD (MILATELLO)

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, a site plan and elevations were submitted by The Shoppes at Riverhead for the alteration to an existing building located at 721 East Main Street, Riverhead, New York; and

WHEREAS, the Planning Department has reviewed the site plan dated July 22, 1987, as prepared by Miller Associates, and elevations dated September 23, 1987, as prepared by Miller Associates, and has recommended to the Town Board of the Town of Riverhead that said site plan applications be approved; and

WHEREAS, this Town Board has reviewed the site plan aforementioned dated July 22, 1987, and elevations dated September 23, 1987 as prepared by Miller Associates.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan submitted by The Shoppes at Riverhead for the alteration to an existing building located at 721 East Main Street, Riverhead, New York, dated July 22, 1987 as prepared by Miller Associates, and elevations dated September 23, 1987 as prepared by Miller Associates be and are hereby approved by the Town Board of the Town of Riverhead subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town, shall at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Riverhead Town Clerk;

RESOLUTIONS Continued

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained at the premises;

7. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

8. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

9. That adequate parking for the handicapped pursuant to State and Federal Law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, The Shoppes at Riverhead hereby authorize the Town of Riverhead to enter premises at 721 East Main Street, Riverhead, New York, to enforce said handicapped parking regulations;

10. Applicant will save or transplant vegetation deemed significant by the Town Board in any manner satisfactory by the Town Board;

11. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Antonio Militello, the Riverhead Planning Department and the Riverhead Building Department.

DECLARATION AND COVENANT.

THIS DECLARATION, made the _____ day of November, 1987, by Antonio Militello, residing at P.O. Box 133, Smithtown, New York, 11787, Declarant.

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto as provided by the Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within cove-

RESOLUTIONS Continued

nants and restrictions be imposed on said parcel and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors, and assigns; to wit:

1. That the provisions of the Riverhead Town Code, which are not addressed in this resolution or other official action of the Town, shall at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure, prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design;

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the Declarant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. Trash receptacles of a decorative design approved by the Planning Department prior to their installation at the site shall be maintained at the premises;

6. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

8. That adequate parking for the handicapped pursuant to State and Federal Law shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto;

9. That any and all landscaped areas shall be regularly maintained in a professional manner; and that any planters, planter boxes, window boxes or other container plantings shall be likewise maintained on a year-round basis.

Declarant has hereunto set his hand and seal the day and year above first written.

Antonio Militello

STATE OF NEW YORK)

ss:

COUNTY OF SUFFOLK)

RESOLUTIONS Continued

On the ____ day of November, 1987, before me personally came Antonino Militello, to me known and known to be the individual who executed the foregoing instrument; that he is the owner of certain real property located at 721 East Main Street, Riverhead, New York, the subject property of this declaration and covenant and understands the content thereof; and that he did swear to me that he executed the same.

NOTARY PUBLIC

Councilman Prusinowski, "Yes, I'm going to move 691, but I want to offer a slight wording amendment here. I'm reading this site plan resolution and I know what we have discussed with the developer; that he will make an effort to save or transplant significant vegetation. I want to put; but with approval with the Town Board. In other words, the intent is that there are certain specific items that you had mentioned that you want to say. But I want to make sure that it's with the approval of the Town Board."

Councilman Boschetti, "If I may, I also made notation on that and I have wording if you want to hear it."

Councilman Prusinowski, "I would be more than happy to hear it."

Councilman Boschetti, "Applicant will save or transplant vegetation deemed significant by the Town Board in any manner satisfactory by the Town Board."

Councilman Pike, "Seconded."

Councilman Prusinowski, "I made the original motion."

Supervisor Janoski, "Hang on there guys. Hang on. Do you want to make.... I'm having a lot of difficulty with this, really difficulty. This is one interesting precedent that you are about to set here."

Councilman Prusinowski, "We're amending a resolution."

Supervisor Janoski, "That this Town Board can require a property owner to move trees that this Town Board says that it wants to move because the person wants to use the property. This is going far beyond my belief of what government is established to do. But if that's what this Board wants to do."

Councilman Prusinowski, "No. Can I answer that just for a second and I made a motion. Are you going to second it?"

Supervisor Janoski, "To amend it?"

Councilman Prusinowski, "No. Just for the resolution."

RESOLUTIONS Continued

COUNCILMAN PRUSINOWSKI AND COUNCILMAN BOSCHETTI SPOKE SIMULTANEOUSLY CREATING AND DECIPHERABLE ARRAY OF COMMENTS.

Councilman Boschetti, "I want to go on the record as saying, that is not correct." We did this with cooperation of the landowner. I'm sorry, that is not correct."

Supervisor Janoski, "That's interesting. What you have just done... You have forced a man to use his property to do what you just...."

Councilman Boschetti, "Did we not have a meeting with the man yesterday? And did ne not agree to do this on a cooperative basis?"

Supervisor Janoski, "Then why is this necessary Mr. Boschetti because he did agree?"

Councilman Boschetti, "Precisely and he agreed to have it in this resolution which it was not."

Supervisor Janoski, "He agreed to have it in the resolution?"

Councilman Boschetti, "Yes, absolutely. I requested it and everyone agreed."

Supervisor Janoski, "He wasn't here then when you requested it."

Councilman Boschetti, "You agreed."

Supervisor Janoski, "And it's there. It is there."

Councilman Boschetti, "It is not there. The language was too vague. I said as proposed by Mr. Lombardi and Mr. Lombardi mentioned specific items."

RESOLUTIONS Continued

Supervisor Janoski, "The Town Board then determines. Fine. I've made my vote now and the question is there a motion on the question?"

Councilman Prusinowski, "Yes, I made my motion originally."

Councilman Pike, "I, first of all, want to thank Councilman Boschetti for offering that amendment. I'm not sure it will be sufficient to the purpose of saving an old friend of Riverhead that resides across the street and can not speak for him or herself. And I wanted to exhort my fellow Board members one last time before we vote on this, to reconsider the alternative to this site plan. We have here not only the issue of one rare specimen but how we balance the development in the future of the downtown area and the Town of Riverhead. And if we vote yes tonight, we will enable somebody who is in an opportunity to do adaptive reuse of two buildings, an old hardware store and a single family residential building, to knock them both down and build anew far beyond the original outlines of those buildings. That in itself is not objectionable. But in the context of the law that was adopted by this administration and touted from one end of this town to another, as being in place to protect the natural resources of this town. When this developer goes ahead and makes every effort to destroy the most significant natural resource on the site, is not something that I think we should enable tonight. There is an alternative and I would offer it. First of all, realize this. We're talking about somebody who wants to build a shopping center. He's quite candid about it and I have no objection to that. But he is talking about a 900% increase in the retail usage of one tiny little acre parcel in the Town of Riverhead. I offer an alternative that is simply a 700% increase in the economic development of the Town of Riverhead. And that is to restrict the westward march of this building to the westward line of the original single family residential building. That building was built in compliance with the setback requirements of the Town of Riverhead. It is 50 feet away from the property line. And I offer this not as an anti-development alternative. It is clearly a balanced alternative. One that would allow emergency vehicles to get around these buildings from the west side to the east side of the building go up in flames. One that would protect the most significant environmental feature on the site. And at the same time, would enable a 700% increase in the number of retail units on the site. Now, I would ask my fellow Town Board members to consider. It took mother nature three quarters of a century to build the natural resource that (tonight) can not speak for itself. There is an alternative. And I would ask that they spend at least the next three quarters of a minute to consider well whether or not we should take that alternative. The only way that I know they can take that alternative, is tonight on this one resolution, to vote no."

Supervisor Janoski, "I want to defeat it."

11/17/87

RESOLUTIONS Continued

Supervisor Janoski, "Well, I hear an amendment. Is there an amendment offered?"

Councilman Boschetti, "Yes."

Councilman Pike, "We had language and a second."

Supervisor Janoski, "Language and a second for an amendment."

Councilman Prusinowski, "Can we have a little discussion on that? It's my understanding because I did attend the meeting a little bit late. But when I walked into the meeting, it was my understanding that there was a discussion going on with the developer (Mr. Militello) who agreed, not the oak tree because it was discussed whether or not that oak tree could be saved or not but if could be moved. But there were other significant trees on that property. And he agreed that he would move them if it was possible. Was that correct?"

Councilman Lombardi, "I met with Mr. Militello and he did agree to save the holly tree, three dogwoods and whatever bushes that we would want to keep. So I'd ask Mrs. Brown to accompany us over there to see what trees we can save and Mr. Militello has been very cooperative that he does want to save these trees. If the trees or the holly bush tree would stay at the property, he will leave it at the property. If we can move it if we have to move it, he will move it to either the hospital or to the Town Hall. I will check with Mrs. Brown because she has something to do with the hospital. So that's where it's at right now. Mr. Militello has agreed to save these bushes and trees that we have spoken about."

Councilman Prusinowski, "Based on that information, that's why I initially pointed out number 10 and the rest is up to you."

Supervisor Janoski, "Ok. The mandment is on the floor. It's moved and seconded. I call for the roll call."

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, no.

The resolution was thereupon duly declared AMENDED.
(See page for amendment)

Supervisor Janoski, "And I'd like to make a comment here. I want you to understand what I'm talking about. This Board made an effort working with the developer to save the vegetation in question, moving them. We have now set a precedant by resolution that if you want to expand your house or use a piece of property, and there is significant vegetation, that this Town Board can now force you to transplant that at the hospital or somewhere else. I just want you to understand that it's a precedant that we just set here. And that is my...."

RESOLUTIONS Continued

Councilman Prusinowski, "Do you really?"

Supervisor Janoski, "Let's vote it down. Let's find out whether we can do this."

Councilman Prusinowski, "You guys are going to be here. Denise Civiletti and I have discussed this."

Councilman Boschetti, "What is being proposed?"

Councilman Pike, "They're going to vote no."

Supervisor Janoski, "The three of us can defeat it. Let's find out if government is instituted to tell a guy that you have to knock 46 hundred square feet off a building. I'd like to.... I'm going to declare a recess."

TOWN BOARD MEETING RECESSED AT 8:26

TOWN BOARD MEETING RECONVENED AT 8:43

Supervisor Janoski, "The meeting will return to order. The resolution before us is number 691; Approves Site Plan of the Shoppes at Riverhead. It is moved and seconded with the amendment. Please call the roll."

The vote, Boschetti, yes, Pike, no, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted, AS AMENDED.

Councilman Prusinowski, "It comes down to a question of fairness. This developer, this gentleman came in early in June. He went through a process. The good things that are coming out of this, it's my understanding that now the Town Board is going to send a directive to the Planning Department clearly delineating to them what to be on the look out because we do require an as is survey to be filed before we make these decisions so that they'll know it will be flagged that we're going to look for historic anything on the property, whether it be an oak or geological finding. So there is some good coming out of this. We are going to amend the process so that something like this, a disagreement like this should not happen again. And it's fairer to the applicant. I think it's grossly unfair, at the last minute, on November, to tell a guy when he came in in good faith in June, going through the process; now we're going to change the rules. I just don't think it's fair and I'm voting yes. I am for saving trees because I helped form the original Townscape and the Country Fair and I worked on a lot of good projects in the town and I voted to do a lot of things to preserve the quality of this town. So I have no regrets voting yes on this."

RESOLUTIONS Continued

Councilman Lombardi, "All I would like to say is that Mr. Milatello did go to the Zoning Board. He did try to move the entry way and the exit up towards the west of the building, of the property. The Zoning Board told him not to, to move it down. They didn't want it near the railroad crossing. So the man did try to do something with the location. And I'm very happy that we're going to keep the holly tree and dogwood trees and whatever else we can keep and I vote yes."

#792 APPROVES SITE PLAN OF NICK MUSACCHIA (OK PETRO AND CONVENIENCE STORE).

Councilman Boschetti offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, a site plan was submitted by Nick Musacchia for the alteration to an existing building, curbing and landscaping located at 1212 East Main Street, Riverhead, New York; and

WHEREAS, the Planning Department has reviewed the site plan last revised October 22, 1987, as prepared by Creative Group, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, this Town Board has reviewed the site plan aforementioned last revised October 22, 1987, as prepared by Creative Group.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan submitted by Nick Musacchia for the alteration to an existing building, curbing and landscaping located at 1212 East Main Street, Riverhead, New York, last revised October 22, 1987, as prepared by Creative Group, be and is hereby conditionally approved by the Town Board of the Town of Riverhead subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town, shall at all times be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with;

RESOLUTIONS Continued

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained at the premises;

7. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

8. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

9. That adequate parking for the handicapped, pursuant to State and Federal Law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, Nick Musacchia hereby authorizes the Town of Riverhead to enter premises at 1212 East Main Street, Riverhead, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

11. That any violation of the Riverhead Town Code shall result in immediate revocation of this resolution;

12. That the variances granted pursuant to Zoning Board of Appeals determination #86-37 are incorporated into this document as if fully set forth herein; and if any violation of the variances so granted occur at any time, this resolution shall immediately be revoked; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Nick Musacchia, the Riverhead Planning Department and the Riverhead Building Department.

RESOLUTIONS Continued

DECLARATION AND COVENANT

THIS DECLARATION, made the _____ day of November, 1987, by NICK MUSACCHIA, residing at 268 38th Street, Lindenhurst, Declarant.

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto as provided by the Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns; to wit:

1. That the provisions of the Riverhead Town Code, which are not addressed in this resolution or other official action of the Town, shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure, prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with;

RESOLUTIONS Continued

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the Declarant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. Trash receptacles of a decorative design approved by the Planning Department prior to their installation at the site shall be maintained at the premises;

6. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

8. That adequate parking for the handicapped pursuant to State and Federal Law shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto;

9. That any and all landscaped areas shall be regularly maintained in a professional manner; and that any planters, planter boxes, window boxes or other container plantings shall be likewise maintained on a year-round basis.

Declarant has hereunto set his hand and seal the day and year above first written.

NICK MUSACCHIA

STATE OF NEW YORK)

)ss.:

COUNTY OF SUFFOLK)

On the _____ day of November, 1987, before me personally came NICK MUSACCHIA, to me known and known to be the individual who executed the foregoing instrument; that he is the owner of certain real property located at 1212 East Main Street, Riverhead, New York, the subject property of this declaration and covenant and understands the content thereof; and that he did swear to me that he executed the same.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued# 793 APPOINTS TEEN CENTER AIDE

Councilman Pike offered the following resolution,
which was seconded by Councilman Boschetti.

RESOLVED, that MEYER SEGAL be and is hereby appointed to the position of Teen Center Aide effective November 16, 1987 at the hourly rate of compensation of \$4.50, and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Judy Dohl and the Office of Accounting.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

794 AUTHORIZES TOWN SUPERVISOR TO EXECUTE AGREEMENT WITH
H2M FOR THE DEVELOPMENT OF A COMMUNITY CENTER

Councilman Lombardi offered the following resolution,
which was seconded by Councilman Prusinowski.

WHEREAS, it is the desire of the Town of Riverhead to develop a community center, and

WHEREAS, the engineering firm of Holzmacher, McLendon and Murrell, P.C., has submitted a proposal for the architectural services with regard to the Community Center.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and is hereby authorized to execute an agreement with H2M to proceed with Phases I and II as set forth in their proposal dated November 5, 1987, and

BE IT FURTHER RESOLVED, that the fee for Phase I and II shall not exceed \$7,800, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to H2M.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

11/17/87

1497

RESOLUTIONS Continued

#795 AUTHORIZES TOWN CLERK TO PUBLISH & POST NOTICE OF PUBLIC HEARING RE: ADOPTION OF LOCAL LAW # _____ EXTENDING THE MORATORIUM IN WADING RIVER FOR BUSINESS CR AND BUSINESS C ZONING DISTRICTS

Councilman Prusinowski offered the following resolution, which was seconded by Councilman Lombardi:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice to hear all interested persons regarding the adoption of Local Law # _____ of 1987 extending the moratorium in Wading River for Business CR and Business C Zoning Districts.

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 1st day of December, 1987, at 8:05 o'clock p.m. to hear all interested persons with regard to the adoption of Local Law # _____ of 1987 extending the moratorium in Wading River for the Business CR and Business C zoning districts as described herein and as delineated on the map annexed hereto as EXHIBIT "A":

Local Law # _____ of 1987

A LOCAL LAW PROVIDING FOR A MORATORIUM
ON DEVELOPMENT IN THE BUSINESS CR
AND BUSINESS C ZONING DISTRICT
IN WADING RIVER

BE IT ENACTED by the Town of Riverhead as follows:

Section 1. Exemptions

The following approvals or permits are excepted, and exempt from the moratorium

1. The provisions this local law shall not apply to any application made pursuant to the provisions of the town Code to a) build a single family residence on an existing lot or b) reconstruct, alter, expand, restore or repair any existing buildings or structures, provided that the total gross floor area and total coverage of any such building or structure is not to be increased by more than twenty five percent (25%) as a result of the activity for which the application seeks approval.

RESOLUTIONS Continued

Section 2. Validity

The invalidity of any section or provision of this local law shall not invalidate the local law as a whole or any other section or provision thereof.

Section 3. Effective date

This local law shall take effect upon the filing thereof in the office of the Secretary of State as provided for in the Municipal Home Rule Law.

Section 4. Duration

This Local Law shall remain in effect until 1) the formal adoption of a Hamlet Study Plan for the Hamlet of Wading River and the effective date of Legislation enacted to enforce that plan, or 2) the expiration of 12 Months, whichever shall first occur.

Dated: Riverhead, New York
November 17, 1987.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

MAP ON FOLLOWING PAGE

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Councilman Pike made comments regarding resolution #696 and resolution #797 which can be found following resolution #797 on page

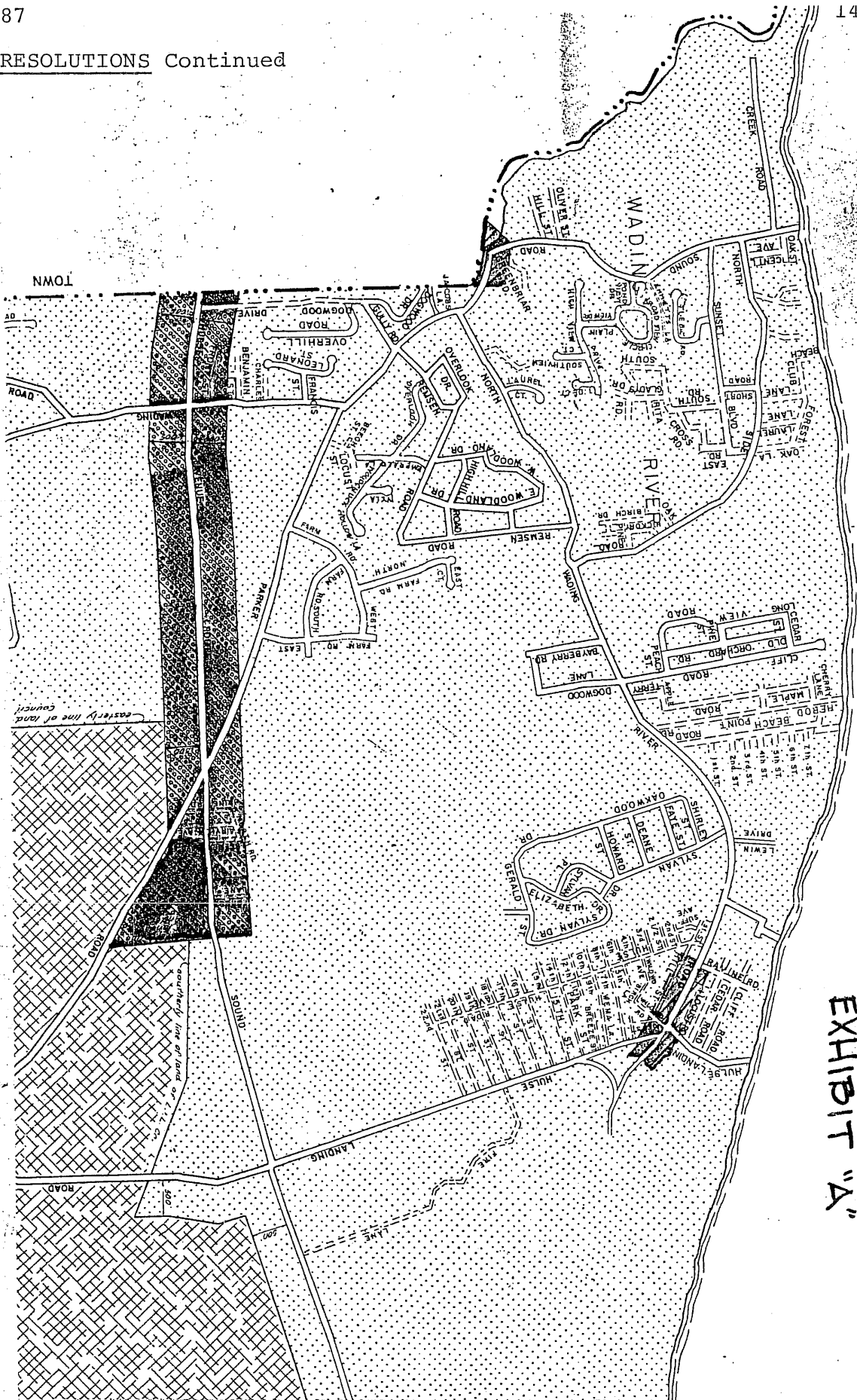


EXHIBIT "A"

RESOLUTIONS Continued

796 AUTHORIZES TOWN CLERK TO PUBLISH & POST NOTICE OF PUBLIC
HEARING RE: ADOPTION OF LOCAL LAW # _____ OF 1987 IMPOSING
A MORATORIUM IN THE WADING RIVER HAMLET AREA

Councilman Prusinowski offered the following
resolution, which was seconded by Councilman Lombardi:

RESOLVED, that the Town Clerk be and is hereby author-
ized to publish and post a public notice with regard to the adop-
tion of Local Law # _____ of 1987 imposing a moratorium in the
Wading River Hamlet area.

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held
on the 1st day of December, 1987, at 8:15 o'clock p.m. to be held
at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all
interested persons with regard to adopting Local Law # _____ of
1987 imposing a moratorium in the Wading River Hamlet area as
follows and as delineated on the map annexed hereto as EXHIBIT
"A":

LOCAL LAW # _____ of 1987

**A LOCAL LAW PROVIDING FOR A
TEMPORARY MORATORIUM ON
DEVELOPMENT IN THE WADING
RIVER HAMLET AREA IN THE TOWN
OF RIVERHEAD IN ORDER TO
PERMIT THE EFFECTIVE AND
ORDERLY COMPLETION AND
IMPLEMENTATION OF A REVISED
TOWN MASTER PLAN COMPONENT
FOR THE WADING RIVER AREA**

BE IT ENACTED by the Town of Riverhead as follows:

Section 1. Legislative Findings

A. The Town Board finds that the Town's Comprehensive Plan,
prepared by McKloskey And Reuter in 1973, is currently the sub-
ject of revision. In this year, 1987, this Board along with the
Riverhead Planning Board, and the Town Planning Department,
began the process of a full study of the Wading River Hamlet.

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B. The Town Board further finds that there are hundreds of acres of wooded and farmed land currently under review before the Town Planning Board in the Hamlet Study area.

C. The Town Board further finds that it established a moratorium on the subdivision of land during this planning period which will expire November 2, 1987 and that the timing of the Hamlet Study and full compliance with the State Environmental Quality Review Act will not provide enough time for the plan and enforcement legislation to be enacted before that moratorium expires.

D. The Town Board further finds that, with the comprehensive nature of the planning effort and required S.E.Q.R.A. compliance that nothing should be allowed to preclude the proper planning, full analysis, review and constructive improvement before final adoption.

E. The Town Board further finds that to allow the lifting of the moratorium will enable and would in fact encourage hundreds of more acres of land to be lost to subdivision, which would seriously threaten the viability of the Hamlet Study and would render moot the improvements to the general welfare, health and safety provided for therein.

F. Further the Town Board finds that Municipal Home Rule Law section 10(1)(ii)(a)(14) and section 10(1)(ii)(d)(3), Statute of Local Governments Section 10(6) and Article IX(2)(b)(3) of the State Constitution vest in the Town Board the authority to adopt Local Laws which modify and supersede the provisions of the Town Law regarding the review and approval of development applications where the Town Board finds, as this Board does now find, that the high volume of existing applications and other local conditions, hereinabove described, warrant such modification and supersession.

Section 2. Moratorium on Subdivisions and Developments

For the reasons and under the authority cited above, unless specifically provided for herein, or specifically exempted from the provisions of this local law, no agency, board or department of the Town of Riverhead shall accept or process any application, or grant any approval for, or authorize any action for, or by inaction allow to occur, any subdivision of land, residential condominium development or site plan approval on land within the Study Area.

All mandatory time periods under the Town Law are tolled for the effective period of this local law.

Section 3. Study Area Map

The revised map prepared by the Town Planning Department, included in the request for proposals on the Wading River Study area, shall define the Study Area, which shall be the area covered by this moratorium.

Section 4. Exemptions

The following approvals or permits are excepted, and exempt from the moratorium

1. The provisions this local law shall not apply to any application made pursuant to the provisions of the town Code to a) build a single family residence on an existing lot or b) reconstruct, alter, expand, restore or repair any existing buildings or structures, provided that the total gross floor area and total coverage of any such building or structure is not to be increased by more than twenty five percent (25%) as a result of the activity for which the

2. The provisions of this local law shall not apply to any subdivision application which has received preliminary plot approval by actual vote of the Planning Board before September 25, 1987, provided, however, that all such subdivision which contains more than 50% farmland shall be required to comply with the provisions of the Draft Farmers' Bill of Rights, September 28, 1987 version.

3. The provisions of this local law shall not apply to any existing application for a TDR Receiving project utilizing the transfer or surrender of development rights which has completed SEQRA compliance as of September 25, 1987.

4. Affordable Housing or Senior Citizen Projects - This local law shall not apply to projects to provide housing for low and moderate income residents of the Town, or senior citizens of the Town, where such projects are undertaken directly by the Town Board of the Town of Riverhead, or another Town agency or authority acting with the approval of the Town Board and on its behalf.

5. This Local Law shall not apply to any applications for which a special permit or site plan approval has been granted by the Riverhead Town Board.

6. This Local Law shall not apply to the Minor subdivision of existing lots which are less than 10 acres, or any subdivision which is developed at a density of two (2) acres per dwelling unit as determined by a yield map approved by the Town Planning Board.

7. Exemption applications

a. The Town Board may by resolution passed by a four vote majority, authorize any individual, board or body affected by this local law to grant a permit, approval or authorization prohibited hereunder, provided:

(1) The owner of the affected land petitions the Town Board to grant such relief;

~~(2) A written recommendation that the relief be granted is forwarded to the Town Board from each individual, board or body from whom permission or approval is sought;~~

(3) The Town Board has held a public hearing on the petition upon at least ten (10) days notice published in the official newspaper of the Town.

b. Notwithstanding compliance with each of the provisions of the preceding subsection 7(a) hereof, no petition for relief from an owner of property affected by this local law shall be granted unless the Town Board affirmatively finds that:

(1) Granting of the permit, approval or authorization sought would have no adverse impact upon any of the goals of the Town sought to be furthered by this local law;

(2) The project or activity for which approval is sought would be in harmony with the existing character of the Town, and its consideration and approval would not worsen the conditions found to exist by the Town Board in Section 1 hereof;

(3) The project or activity for which approval is sought is consistent with any interim data, studies or findings then available from the Master Plan update in progress.

Section 5. Construction

The provisions of this local law shall be strictly construed.

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Section 6. Validity

The invalidity of any section or provision of this local law shall not invalidate the local law as a whole or any other section or provision thereof.

Section 7. Effective date

This local law shall take effect upon the filing thereof in the office of the Secretary of State as provided for in the Municipal Home Rule Law.

Section 8. Duration

This Local Law shall remain in effect until 1) the formal adoption of a Hamlet Study Plan for the Hamlet of Wading River and the effective date of Legislation enacted to enforce that plan, or 2) the expiration of 6 Months, whichever shall first occur. This law may be extended for two successive periods of three months by a resolution of the town board passed by a four vote majority.

Dated: Riverhead, New York
November 17, 1987.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

MAP ON FOLLOWING PAGE

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Councilman Pike, "Point of information. We talked about this yesterday; exemption application 7A-2. The draft that I gave you Mr. Supervisor had two removed and three moved in its place. This one does not. We have already discussed this. This is the original version that was a little bit tougher get an exemption. We have agreed to remove 7A, 1, 2. That's the point Allen Smith made at the hearing. So that should not be in the published notice."

Supervisor Janoski, "It was changed. Is it changed on yours?"

Councilman Pike, "It was just changed on the one copy I gave you yesterday. Monique probably worked off an earlier copy."

Supervisor Janoski, "She did. I know it's been changed. I explained the points that we wanted which was a decision by Town Board public hearing majority plus one. That's what we hopefully forwarded to the papers."

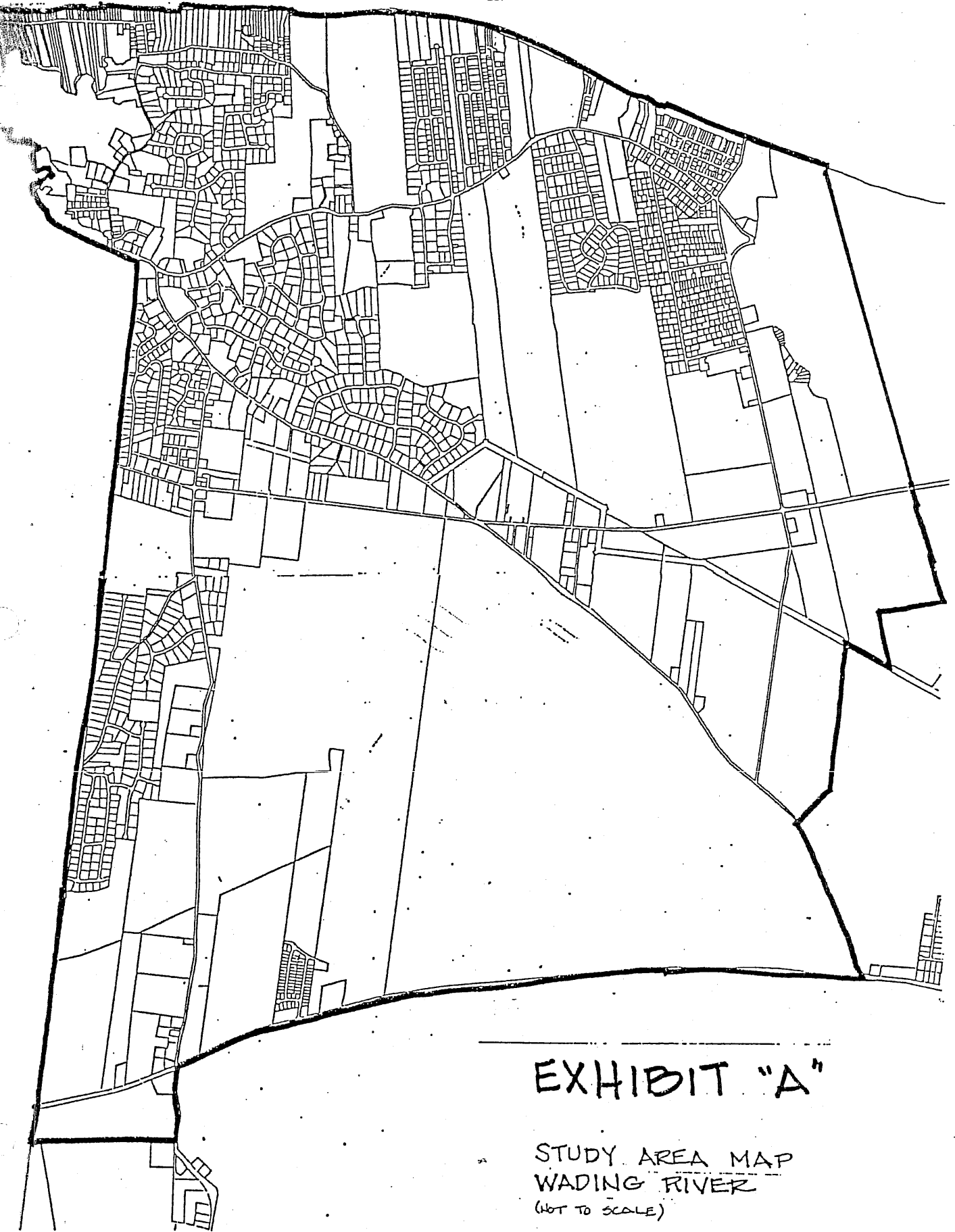


EXHIBIT "A"

STUDY AREA MAP
WADING RIVER
(NOT TO SCALE)

RESOLUTIONS Continued

Councilman Prusinowski, "Also I noticed in the section 8. Duration; my copy here we have just 12 months and I thought we agreed to six,three,three."

Councilman Pike, "Right. Again this is back to the draft. This is the original. That should read the six,three,three provision. Unless somebody sees something else, I will move those two resolutions."

COUNCILMAN PRUSINOWSKI MOVED RESOLUTION #696 and #697 AS CORRECTED BY COMMENTS AND CORRECTIONS CONTAINED HEREIN. THE VOTE CONTAINED FOLLOWING THEIR RESPECTIVE RESOLUTIONS.

#797 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF AMENDMENT OF THE TOWN OF RIVERHEAD ZONING CODE CHAPTER 108.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below notice of amendment to the Town of Riverhead Zoning Code Chapter 108.

NOTICE OF AMENDMENTTOWN OF RIVERHEAD ZONING CODECHAPTER 108

Notice is hereby given that the following ordinances were duly enacted at a regular meeting of the Riverhead Town Board held on the 17th day of November, 1987. Whereas, a land use study has been completed in accordance with the provisions of Section 266 of the Town Law and a public hearing having been had by said Town Board, relative to recommended zoning districts, the Riverhead Town, pursuant to Article 16 of the Town Law, hereby creates the following ordinances:

ORDINANCES CONTAINED IN THEIR ENTIRETY ON THE FOLLOWING PAGES.

RESOLUTIONS Continued

ARTICLE XXX

DEFENSE INSTITUTIONAL DISTRICT

108 - 147 Purpose

It is the purpose of this Article to recognize the national and regional importance and institutional use of certain lands within the Town of Riverhead, while at the same time preventing any future subdivision of those lands which conflicts with the orderly growth and development of the Town.

108 - 148 Uses

In the Defense Institutional District, no building, structure, or premises shall be used, arranged, or designed to be used, and no structure shall hereafter be erected, reconstructed, or altered, unless otherwise provided in this Chapter, except for any two (2) of the following permitted uses, special permit uses, and accessory uses:

A. Permitted Uses

1. Agriculture
2. National cemetery
3. Naval weapons testing facility

B. Special Permit Uses

Approval is required of the Town Board for the special permit uses heretofore set forth:

1. Airport
2. Utility structures and/or utility rights-of-way

C. Accessory Uses

The following accessory uses shall be permitted:

1. Assembly, production, processing, and testing of aircraft or other products related to naval weapons research
2. Buffer areas for naval weapons testing
3. Greenhouses, agricultural
4. Office buildings for businesses, governmental, and profes-

RESOLUTIONS Continued

sional uses, including administrative training, data processing, publication, financial and sales offices, and related facilities in connection with such offices.

5. Offices or agencies for scientific or technical development, including laboratories, libraries, administrative training, data processing, publication, financial offices, and related facilities in connection with such uses, provided that:
 - a. No such process shall involve or permit upon the premises any virus or other type of infectious organisms identified with diseases of animals or humans;
 - b. No offensive gases, fumes, smoke, odors, dust, or effluent shall emanate from such use, and no waste products shall be discharged therefrom of a character to create a nuisance or to be injurious to health.
6. Indoor and outdoor recreation facilities, public and quasi-public
7. Central heating and power plants accessory to the principal use for the service of all structures on the premises.
8. Fully-enclosed storage facilities incidental to the principal use.
9. Maintenance and utility shops incidental to the principal use.
10. Other customary accessory uses incidental to the principal use on the site.

108 - 149 Special Requirements

- A. Pursuant to Article XXVI of this Chapter, all permitted, special permit, and accessory uses shall require site plan approval.
- B. Off-street parking and loading shall conform to Section 108 - 60 and 108 - 61 of this Chapter.
- C. Signage shall conform to the provisions of Section 108 - 56 of this Chapter.
- D. All development in the Defense Institutional District shall conform to the screening and buffer requirements set forth in Section 108 - 64.1 of this Chapter.

Dated: Riverhead, New York
September 28, 1987

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

RESOLUTIONS Continued

The vote, Bbschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

ARTICLE XXXI

OPEN SPACE CONSERVATION DISTRICT

108 - 150 Purpose

It is the purpose of the Open Space Conservation District to provide for the conservation and preservation of lands within the Town of Riverhead, whether in public or private ownership, which are open areas of significant environmental importance, and which are wholly exempt or have non-taxable status. The Town Board, in order to implement the provisions of the Town's Comprehensive Plan, shall determine the significance of parcels of open sapce, and thereby determine the inclusion of those parcels in the Open Space Conser-vation District.

108 - 151 Uses

In the Open Space Conservation District, no building, structure, or premises shall be used, arranged, or designed to be used, and no structure shall hereafter be erected, reconstructed, or altered, unless otherwise provided for in this Chapter, except for two (2) of the following special permit uses or accessory uses:

A. Special permit uses.

All special permit uses set forth herein shall be subject to the approval of the Town Board, pursuant to the definition of site plans in Section 108 - 3 of this Chapter. Special permit uses are as follows:

1. Those structures which are considered customary to the prevailing use. This shall inlcude, but not be limited to, golf clubhouses, tennis clubhouses, bath houses, park administration buildings, camp houses, maintenance buildings, utility shops, central heating and power plants, and fully-enclosed storage facilities.

108 - 152 Special Requirements

- A. Pursuant to Article XXVI of this Chapter, all uses shall require site plan approval.
- B. Signage shall conform to the provisions of Section 108 - 56 of

11/17/87

RESOLUTIONS Continued

this Chapter.

- C. All development in the Open Space Conservation District shall conform to the screening and buffer requirements set forth in Section 108 - 64.1 of this Chapter.

Dated: Riverhead, New York
September 28, 1987

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued

ARTICLE XXXII

NATURAL RESOURCES PROTECTION DISTRICT

108-153 Purpose

The area known as the Pine Barrens Protection Zone within the Town of Riverhead has been found to be a natural resource area which includes pine barrens vegetation and associated unique wildlife habitats, wetlands and tributaries which are part of a larger river estuary exhibiting scenic values, and a deep recharge groundwater supply located over a sole source aquifer. In order to protect the Town of Riverhead's most significant supply of pure drinking water and to prevent degradation of identified habitats as well as the surface water quality of the Peconic River and its tributaries, it is the intent of this Article to provide for development of land at a density and type which encourages clustering to create open space and demonstrates protection of identified resources. To fully observe the purpose of this Article, clustered residential developments shall demonstrate that the disturbance of land shall occur on the least sensitive portion of the site.

108 - 154 Uses

In the Natural Resources Protection District, no building, structure, or premises, shall be used or arranged or designed to be used, and no building or structure shall hereafter be erected, reconstructed, or altered, unless otherwise provided in this Chapter, except for one (1) of the following permitted uses and its customary accessory uses.

A. Permitted Uses

1. Agriculture, provided that no storage of manure shall be permitted within one hundred (100) feet of any side or rear lot lines, or within one hundred fifty (150) feet of any street lines.

2. One-family dwellings.

3. Park and playground, noncommercial.

B. Special Permit Uses

In order to ensure the protection of natural features and habitat, and to fully observe the purposes of this Article, the Town Board may approve condominium housing developments and homeowner association developments within the Natural Resource Protection District provided that the following conditions are met:

RESOLUTIONS Continued

1. That the underlying density of the development does not exceed one (1) unit per four (4) acres.

2. That the application for proposed condominium and/or homeowners association development be combined with an application for a cluster development pursuant to Article XIX of this Chapter, and both will be considered under this provision.

3. The Planning Board and/or the Town Board, under these provisions and the procedures set forth in the Subdivision Regulations of the Town of Riverhead, may require the following additional data and information as a basis for approving such condominium subdivisions:

a. A complete site plan showing the location of all landscaping and other improvements, including dwelling units and first floor elevations, and the design of all buildings and structures.

b. The text of all filed restrictions on the use of the land and buildings, including the condominium agreement as approved by the New York State Attorney General.

c. Any other information deemed by either Board in its discretion to be necessary to a reasonable determination of the application.

d. Expert testimony by independent engineers or architects, to be paid for by the applicant.

4. Any application made pursuant to the provisions of this section shall originate by an application to the Town Board, contrary provisions notwithstanding, and shall be referred to the Planning Board, which will transmit its recommendations to the Town Board within sixty (60) days of referral.

5. After receipt of the recommendations of the Planning Board, the Town Board shall hold a public hearing upon public notice as required by Section 265 of the Town Law, and the applicant shall pay all expenses of said hearing. The Town Board shall determine that:

a. The use will not prevent or substantially impair either the reasonable and orderly use or the reasonable and orderly development of other properties in the neighborhood.

b. The hazards of disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town.

c. The health, safety, welfare, comfort, convenience, and order of the Town will not be adversely affected by the authorized use.

RESOLUTIONS Continued

d. Such use will be in harmony with and promote the general purposes and intent of this Chapter.

6. The Planning Board and Town Board may consider, among other matters or factors which the Board may deem material, whether:

a. The site is particularly suitable for the location of such use in the community.

b. The plot area is sufficient, appropriate, and adequate for the use and the reasonably anticipated operation and expansion thereof.

c. The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area, or other place of public assembly.

d. Access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure that public safety in relation to the general character of the neighborhood and other existing or permitted uses within it and so as to avoid traffic congestion; and further, vehicular entrances and exits shall be clearly visible from the street and not be within seventy-five (75) feet of the intersection of street lines at a street intersection except under unusual circumstances.

e. All proposed curb cuts have been approved by the street or highway agency which has jurisdiction.

f. Adequate provisions have been made for emergency conditions.

g. Adequate buffer yards, landscaping, walls, fences, and screening are provided where necessary to protect adjacent properties and land uses.

h. Where necessary, special setback, yard, height, and building area coverage requirements, or easements, rights-of-way, or restrictive covenants shall be established.

i. Where appropriate, a public or semipublic plaza or recreational or other public area shall be located on the property.

j. Adequate provisions are made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse, or other waste, whether liquid, solid, gaseous, or of other character.

k. Existing municipal services and facilities are adequate to provide for the needs of the proposed use.

RESOLUTIONS Continued

1. The use will tend to generate or accumulate dirt or refuse or tend to create any type of environmental pollution, including vibration, noise, light, electrical discharges, odors, smoke, or irritants, particularly where they are discernible on adjacent properties or boundary streets.

m. The construction, installation, or operation of the proposed use is such that there is a need for regulating the hours, days, or similar aspects of its activity.

n. The proposed use recognizes and provides for the further special conditions and safeguards required for particular uses as may be determined by the Town Board or Planning Board.

C. Accessory Uses

1. Private garages, private boathouses, private greenhouses, and similar accessory buildings which are necessary for residential development.

2. A temporary building or shed used during construction of a building or structure on the premises.

3. Swimming pool constructed in accordance with the provisions of Section 108 - 59 of this Chapter.

4. Boats, trailers, airplanes, or seaplanes. Any boat, house trailer, mobile home, camp trailer, camp car, airplane, or seaplane in excess of fifteen (15) feet in overall length shall not be kept or stored in the area between the street right-of-way and the front line of the main building projected to the side lot lines on any lot in this residence district, nor within ten (10) feet of any side lot or rear lot line, and no such boat, trailer, or plane shall be stored or maintained in such manner as to constitute an attractive nuisance or hazard to children.

108 - 155 General Lot, Yard, and Height Requirements

A. The minimum lot area shall be one hundred sixty thousand (160,000) square feet, unless otherwise specified.

B. The minimum lot width shall be two hundred (200) feet.

C. The maximum building area shall be five (5) percent.

D. Minimum yards

1. The minimum front yard depth shall be one hundred (100) feet.

2. The minimum width of either side yard shall be fifty (50) feet.

RESOLUTIONS Continued

3. The minimum total width of both side yards shall be one hundred (100) feet.

4. The minimum side yard width abutting a side street shall be one hundred (100) feet.

5. The minimum rear yard depth shall be one hundred (100) feet.

E. The maximum height of the structures shall be thirty-five (35) feet.

108 - 156 Accessory Buildings and Structures

A. Location

1. No accessory building or structure shall be erected, reconstructed, or altered so as to be situate as follows:

a. In a front yard.

b. In a side yard, unless the accessory building is sixty (60) feet from a side street line, thirty (30) feet from a property line, and ten (10) feet from any other building.

c. In a rear yard unless the accessory building is twenty (20) feet from a property line, ten (10) feet from any other building, and sixty (60) feet from a side street line and rear street line.

d. One (1) accessory use with a maximum floor area of one hundred (100) square feet or less, located in the rear yard, shall be excepted from the provisions of Subsection A(1)(c) and additionally shall not require a permit. It shall be permitted five (5) feet from a property line, ten (10) feet from any other building, and forty (40) feet from a side street line and rear street line.

2. Excepted from Subsection A(1)(a), (b), and (c) of this section are fences not exceeding four (4) feet in height which may be erected on the lot lines of the front yard or any existing street line of a one-family dwelling, and fences not exceeding six (6) feet in height which may be erected on other lot lines of a one-family dwelling. Fences on a corner lot must comply with Section 108 - 68. On lots used for other than one-family dwellings, wire strand or open woven wire fences up to six (6) feet in height may be erected on all lot lines. If such fence is erected along any street; the permitted height thereof shall be measured from the existing elevation of the center line of such street.

B. Where an accessory building is constructed as a building subordinate to the use of a park or playground, the building shall be erected, reconstructed, or altered in conformity to the requirements hereof for a main building.

RESOLUTIONS Continued

1515

108 - 157 Living Area

No dwelling shall be erected unless provisions shall be made therein as follows:

A. For residential dwellings, exclusive of attached garages, carports, unenclosed porches, and breezeways, there shall be provided not less than one thousand two hundred (1,200) square feet of living area for the first story, but a maximum of three hundred (300) square feet of area of the second story may be used and applied to the area requirements for the first story.

108 - 158 Additional Requirements

This zoning district regulates the development of land which lies within noise zones as established by the Air Installation Compatible Use Zone (AICUZ) for the U. S. Navy Weapons Testing Facility and within the identified Pine Barrens Zone. In the approval of both realty subdivisions and condominium maps, the Riverhead Planning Board shall require covenants which shall identify the existing noise zones and fire climax areas with the Pine Barrens Zones.

By order of the Riverhead
Town Board
Riverhead, New York
November 17, 1987

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

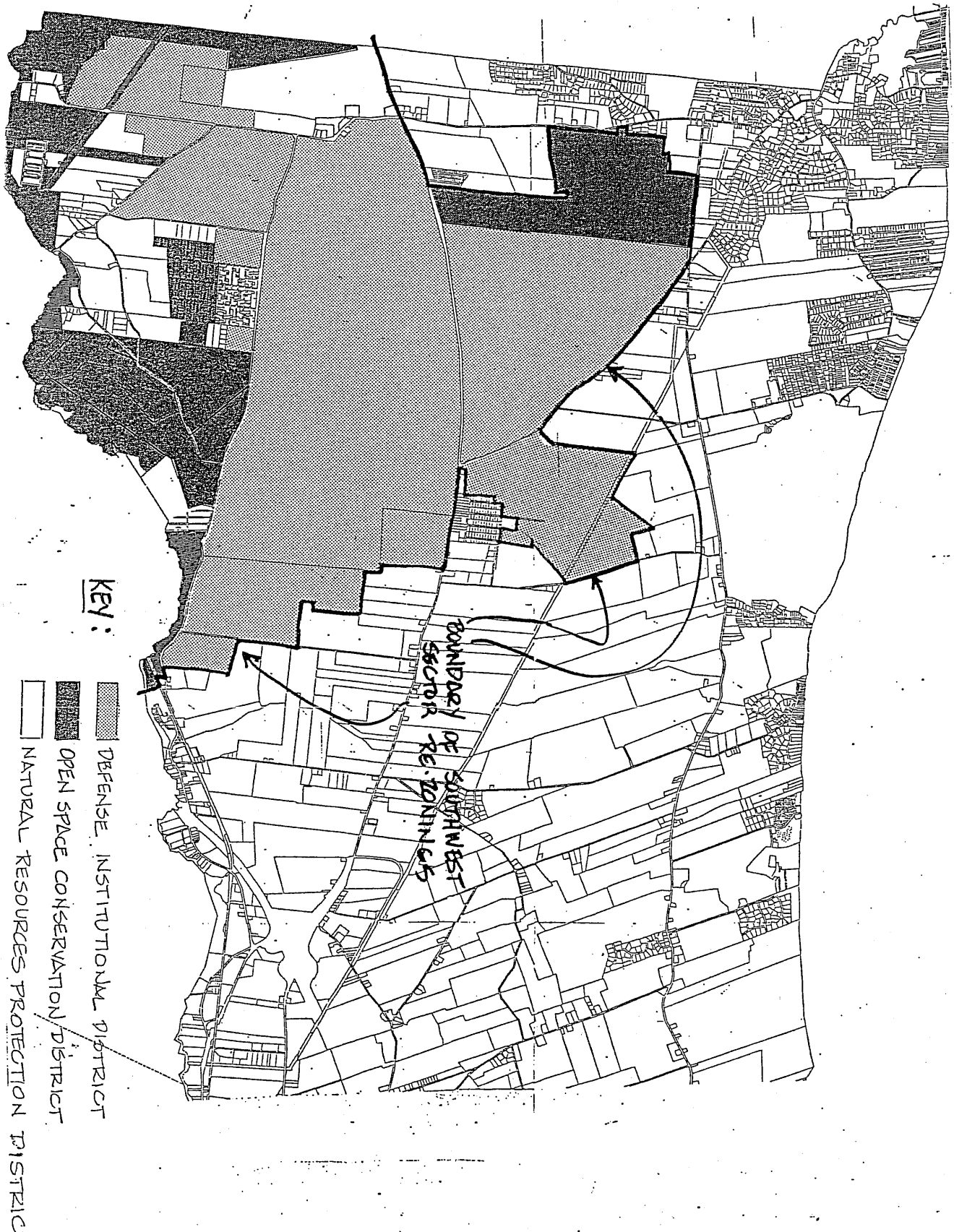
#798 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF AMEND-
MENT OF THE TOWN OF RIVERHEAD ZONING USE DISTRICT MAP..

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below notice of amendment to the Town of Riverhead Zoning Use District Map.

NOTICE OF AMENDMENT TO THE
TOWN OF RIVERHEAD ZONING USE DISTRICT MAP

Notice is hereby given that on NOVEMBER 17, 1987, meeting of the Riverhead Town Board, a resolution amending the Zoning Use District Map of the Town of Riverhead within an area known as the Southwest Sector was both read and passed. This amendment involves a change from Industrial A, Industrial B, Residence B, and Agriculture A to Natural Resources Protection District, Open Space Conservation District, and Defense Institutional District and affects all those plots of land known and designated on the map accompanying this Notice. All Zoning Use District locations previously adopted and inconsistent herewith are hereby repealed. This amendment shall take effect immediately.

RESOLUTIONS Continued

RESOLUTIONS Continued

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Councilman Pike, "I would be very proud to offer this one. This is a culmination of a fair amount of work which was done in-house by the Planning Department with the outside assistance of H2M. We are, for the first time, rezoning an entire area of the town and basically modifying the Master Plan. This is the Southwest Quadrant of the town. It contains both our primary water recharge area which would provide water for future generations. It also contains rare habitats, the coastal plain ponds of Sandy Pond and the other chains in that string of islands. And I would also be very happy to point out that it contains hundreds and thousands of trees. And so I am very happy to move 698, which will preserve the Pine Barrens."

Councilman Prusinowski, "And I'm very proud to point out that 90% of this property is going to be bought up by the county and preserved for ever with all those trees and I vote yes."

Supervisor Janoski, "Well, ladies and gentlemen, without objection.... Mr. Haizlip."

Steve Haizlip, "I want to talk about 698. Mr. Prusinowski there mentioned that the county is going to buy up this Pine Barrens to save the water."

Councilman Prusinowski, "A lot of the property."

Steve Haizlip, "Right. Now, reading in the paper, I see that Mr. Suprinakis (the Superintendent of Schools) saying that this is going to cost all the taxpayers more money because this land is going to come off the tax roll. Now, we're burdened so much already of non-taxable land. Now, this here is the County in any way or the State or somebody going to say; we're taking this land away, we don't want to burden you down because.... I don't want you to take offense to this Joe but all the politicians from Albany right on down to here is getting so much money now in salary and so forth and it's on our backs. Aren't we going to get some help if they buy up all this land to save that water?"

Supervisor Janoski, "Yes. The proposal as it now exists, is that the taxing jurisdictions school district in town, will be reimbursed as part of the overall program for lost revenue."

Steve Haizlip, "Ok. Now."

UNIDENTIFIED MAN, "For how long?"

Supervisor Janoski, "For a period of five years I believe."

PERSONAL APPEARANCES Continued

Steve Haizlip, "Limitations to it."

Supervisor Janoski, "The extension of the sales tax is going to be limited also and that's what's going to be a quarter percent."

Steve Haizlip, "That sales tax is supposed to reimburse them then. Ok. I want to add an amendment to my original, first statement about this motor vehicle emissions law. We're on the way from the state the way I see it, is to be denominated and regimentated again."

Supervisor Janoski, "You're right Steve. And anyone who doesn't realize that should visit the State of New Jersey where they have state inspection stations. Is there anyone else before we go home?" Joe."

Joseph Sykora, Glenwood, "I just spoke to the young lady in the Planning Board about the noise ordinance for the Town of Riverhead and they're still looking into it. What's taking them so long in looking into it?"

Supervisor Janoski, "I don't know. You'd have to ask them that Joe." Is there any member of the Planning Board here tonight." No there's not."

Joseph Sykora, "She just left."

Supervisor Janoski, "She's not a member of the Planning Board. She's a member of the Planning Department. The Planning Board is the recommending body. We talked about this before. That when they have something to recommend to us, then the Town Board will of course, go through the process."

Joseph Sykora, "Yes, but you handed in this proposal."

Councilman Prusinowski, "We're going to talk to them."

Joseph Sykora, "We're going to talk to them."

Councilman Lombardi, "The Town Attorney will talk to them tomorrow."

Councilman Prusinowski, "And if we can shake it up, maybe we can get a notice called by the next Town Board meeting."

Supervisor Janoski, "As I explained to you the last time about this Joe, is that the Planning people are involved in a great deal of work which you have seen happen tonight with the Southwest Sector, the development of new zones, the Wading River work that's going on. And I guess, quite honestly, they have devoted their attention to those things. But we will get a noise ordinance out of them. The Planning Board."

PERSONAL APPEARANCES Continued

Joseph Sykora, "I don't want to wait until the springtime again."

Supervisor Janoski, "I don't either. How are we doing in court?"

Richard Ehlers, "There are going to be motions all returnable on December 20th."

Supervisor Janoski, "On the local law regulating raceways."

Joseph Sykora, "Thank you."

Supervisor Janoski, "Thank you Joe."

Councilman Pike, "One last thing. The whole Southwest Quadrant legislation and the upzoning done there, there is one individual in this room tonight, I know you're not going to love to hear this, but I think she deserves a fair amount of credit for the initiative that was undertaken and I think that but for the input of Sherry Johnson, the legislation that we have passed tonight would have neither a good a quality or great an impact as it will for future generations and I think she deserves our congratulations."

RESOLUTIONS Continued#799 AUTHORIZES TOWN EXPENDITURES.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Supervisor be and is authorized to pay the following:

GENERAL TOWN

Abstract #18 vouchers 7315-7464 totalling \$279,212.28

HIGHWAY

Abstract #18 vouchers 589-608 totalling \$ 49,454.97

TOWN HALL CAP. PROJECTS

Abstract #18 vouchers 80-88 totalling \$225,429.28

STREET LIGHTING

Abstract #18 vouchers 229-232 totalling \$114,104.93

PUBLIC PARKING

Abstract #18 vouchers 196-202 totalling \$ 4,974.70

AMBULANCE

Abstract #18 vouchers 16 totalling \$ 503.75

RESOLUTIONS ContinuedYOUTH SERVICES

Abstract #18 vouchers 47 totalling \$ 910.25

SRS. HELPING SRS.

Abstract #18 vouchers 81 totalling \$ 1,528.30

MUNICIPAL GARAGE

Abstract #18 vouchers 174-197 totalling \$12,281.92

TEEN CENTER

Abstract #18 vouchers 22 totalling \$ 104.20

BOARDS

Abstract #18 vouchers 12 totalling \$ 6,300.00

FIRST STREET PARKING

Abstract #18 vouchers 10 totalling \$ 4,695.66

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Without objection, adjourned."

There being no further business on motion or vote, the
meeting adjourned at 8:55 p.m.

IJP:nm



Irene J. Pendzick
Town Clerk